

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

DAVID CASPER,

Plaintiff,

v.

RENEE BAKER, *et al.*,

Defendants.

3:12-cv-00204-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#43¹) entered on August 23, 2013, recommending denying Plaintiff's Motion for Summary Judgment (#27) filed on February 21, 2013, and granting in part and denying in part Defendants' Cross-Motion for Summary Judgment (#35) filed on April 8, 2013. Defendants filed their Objections to the Report and Recommendation of U.S. Magistrate Judge (#49) on September 20, 2013. Plaintiff did not file either objections to the Magistrate Judge's Report and Recommendation or responses to Defendants' objections. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the defendants, the pleadings and memoranda of the parties and other relevant matters of record

¹Refers to court's docket number.

1 pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the
2 Magistrate Judge's Report and Recommendation (#43) entered on August 23, 2013, should be adopted
3 and accepted.

4 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#43)
5 entered on August 23, 2013, is adopted and accepted, and Plaintiff's Motion for Summary Judgment
6 (#27) is **DENIED**.

7 IT IS FURTHER ORDERED that Defendants' Cross-Motion for Summary Judgment (#35) is
8 **GRANTED in part and DENIED in part** as follows:

- 9 1. Defendants' Cross-Motion for Summary Judgment is GRANTED as to Plaintiff's Eighth
10 Amendment conditions of confinement claim;
- 11 2. Defendants' Cross-Motion for Summary Judgment is GRANTED as to Plaintiff's Eighth
12 Amendment deliberate indifference to medical needs claim;
- 13 3. Defendants' Cross-Motion for Summary Judgment is GRANTED as to Plaintiff's
14 Fourteenth Amendment due process claim related to his housing in ESP's infirmary;
- 15 4. Defendants' Cross-Motion for Summary Judgment is DENIED as to Plaintiff's Fourteenth
16 Amendment due process claim related to the confiscation of his personal property;
- 17 5. Defendants' Cross-Motion for Summary Judgment is DENIED as to Plaintiff's First
18 Amendment right to correspond claim; and
- 19 6. Defendants' Cross-Motion for Summary Judgment is DENIED as to Plaintiff's affirmative
20 defense of qualified immunity.

21 IT IS FURTHER ordered that the parties shall file a joint pre-trial order within sixty (60) days
22 of the entry of this order.

23 IT IS SO ORDERED.

24 DATED this 9th day of January, 2014.

25 
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE